

R E M A R K S

After careful consideration of the outstanding Office Action, as extended, this application is resubmitted for favorable consideration on the merits thereof, absent amendment.

The sole issue of record is the rejection of claims 1 through 4 and 8 through 10 "under 35 U.S.C. § 103(a) as being unpatentable over Applicant's admitted prior art in view of Kato, et al. (herein referred to as Kato, et al.), USPN 5,832,215."

The undersigned incorporates herein by reference the "REMARKS" portion of the RESPONSE of January 5, 2004, particularly with respect to the proper application of the "Graham Factual Inquiries" (MPEP, Section 2141) set forth by the Supreme Court in the decision of Graham v. John Deere Co. of Kansas City, 383 U.S. 1, 17-18, 148 USPQ 459, 467 (1966):

Under § 103, the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved. Against this background, the obviousness or nonobviousness of the subject matter is determined.

It is believed quite clear from the outstanding Office Action that though "the Examiner used common sense," he did not forthrightly analyze the "teachings of Kato" nor properly concluded therefrom that which may or may not be "common knowledge."

In the last Office Action, page 2, paragraph 4, corresponds identically to the previous Office Action, page 2, paragraph 5. In each, the Examiner describes "Applicant's admitted prior art" and states the following with respect to the Kato, et al. patent:

However, the system of Kato teaches one of numerous processors has a transmission buffer for temporarily storing data to be transferred to other processors, and for sequentially transmitting all data to the common bus by a broadcasting method; each of the other processor has a reception buffer for temporarily storing data to be received, and a reception control means for selecting data to be received from all data on the common bus in accordance with a predetermined reception count (see column 2, lines 32-47).

The reference to column 2, lines 32-47 is the only specific area of the Kato, et al. patent mentioned by the Examiner with respect to claim 1. Clearly, column 2, lines 32-47 does not constitute the "scope and content of the prior art patent" to Kato, et al. and, more importantly, the Examiner's description/ interpretation of this portion of the specification is hardly equitable, correct or complete. Omitted from the Examiner's description is the fact that column 2, lines 32-47 first describes a data scattering system which includes "a **parallel** computer constituted by a plurality of processors connected in **parallel** through hierarchical-type common busses." Nowhere is "parallel" found in the Examiner's description of that which "Kato teaches."

The Kato, et al. specification also describes "sequentially transmitting all data to the common bus" of the parallel processors via the common bus and the transfer of such data depending upon "signals from all reception processors," etc. In other words, in keeping with the Kato, et al. disclosure, the "parallel" computers or "parallel" processing is one in which the computation process is divided and processed in parallel by a plurality of processors. However, as will be explained herein and as is recited in claim 1, the present invention controls communication through a plurality of communication terminals based upon control information from a predetermined control device. Stated another way, in keeping with the Kato

et al. teaching of parallel processing, the same data is broadcast/transmitted to all of the plurality of parallel processors/computers when providing different data corresponding to the divided computations of the plurality of processors with each processor identifying and selectively receiving data addressed to it by the RCC (Reception Control Circuit). Presumably, the Examiner considers the reception control circuit (RCC) of Kato et al. to correspond to the claimed detection means of claim 1, though certainly such must be inferred from the Office Action since it is not explicit therein. However, if the Examiner relies upon column 2, lines 32-47 for that which "Kato teaches," his interpretation must include some structure in claim 1 which corresponds to the reception control circuit (RCC) of the Kato et al. patent.

The "data scattering system" broadly referred to at column 2, lines 32-47 is described specifically beginning at column 5, line 24 which again makes reference to "a plurality of processors are connected in parallel through a common bus L," including the fact that each of the "processors has a FIFO buffer (memory) for storing data while the remaining processors P1-Pn include "a reception control circuit RCC excluded in the processor P0." In the very next paragraph there is an explanation that "the data is gathered from other processors P1 to Pn at the processor P0, and when this system is used as the data scattering system, the data is transmitted from the processor P0 **to the other processors** P1 to Pn." (Emphasis the undersigned.) Therefore, whether transmitting or receiving data, the processor P0 generates appropriate switching commands to the other processors P1-Pn, noting specifically column 5, lines 46-48 and column 6, lines 21-23.

Insofar as the undersigned understands the Examiner's position, claim 1 stands rejected under the rationale that the method of broadcasting control information of the present invention to a plurality of communication protocol modules is identical to the method of broadcasting the data of Kato et al. to a plurality of processors, even though in keeping with the claimed invention, the distribution of the control information is prepared by the plurality of communication protocol modules of the present invention, as opposed to being distributed by a plurality of processors, as in the Kato et al. patent.

The next factor in keeping with the Graham decision is the scope and content of claim 1 and whether the same distinguishes the claim and/or renders it obvious over the teaching of Kato et al. *as a whole*.

The Examiner stated that "Applicant's admitted prior art does not explicitly teach a control information acquisition means which sequentially acquires the control information temporarily stored in the memory and broadcast it to the one or more communication protocol modules nor does it teach one or more detection means each being provided in correspondence with each of the one or more communication protocol modules at a front stage on an input side of each of the communication protocol modules, for detecting whether the control information broadcasted by the control information acquisition means needs to be processed by each of the one or more communication modules." With due respect, the latter is an extraordinary admission considering the complexity of that which is not found in the prior art and that which the Examiner considers to be obvious on the basis of "common sense." With due respect, that which the Examiner

has admitted is not disclosed by Applicant's prior art distinguishes claim 1 over the Kato et al. teaching in that:

- (1) in accordance with the present invention and claim 1, the target data which is distributed is the control information or data corresponding to each communication protocol module, whereas the target or data distributed by Kato et al. is the data which is parallel processed by the computers; and
- (2) in keeping with the present invention and claim 1, Applicant's detection means detects by which specific communication protocol module the control information to be distributed is used and the distribution is made according thereto, whereas in Kato et al. the data is distributed according to a preset schedule.

With due respect, none of the latter is rendered obvious by the Kato et al. patent.

It is added for the record that nothing stated by the Examiner substantiates the Examiner's conclusion that "It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the broadcasting method, a common bus, and the reception control unit (a detection means) taught by Kato within the system taught by applicant's admitted prior art." Even if this were true, the broadcasting method of Kato et al. is distinguishable because of the limitations appearing in claim 1 and for the reasons set forth earlier herein.

Additionally, through the Examiner has cast aside Applicant's earlier arguments with respect to "hindsight," there is absolutely no "common sense" reason for a person skilled in the art to have been allegedly "motivated to do this."

In view of the foregoing, the withdrawal of 35 U.S.C. § 103(a) rejection based upon the patent to Kato et al. is respectfully requested, followed by the prompt formal allowance of the application.

Respectfully submitted,
DILLER, RAMIK & WIGHT

By: 

Vincent L. Ramik, Attorney
Registration No. 20,663

Merrion Square Suite 101
7345 McWhorter Place
Annandale, Virginia 22003

(703) 642-5705 - phone
(703) 642-2117 - fax

Attachment: Extension